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10/812,236	03/29/2004	Jae-Byeong Han	678-1372 (P11267)	2193

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EXAMINER
PORTIS, SHANTELL L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/812,236	HAN, JAE-BYEONG
	Examiner	Art Unit
	Shantell Portis	2617

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All   b)☐ Some *   c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on January 25, 2007 have been fully considered but
they are not persuasive.

The applicant argues that *Kinnunen teaches that the service is a service*
provided from the network, instead of it being a function of the mobile
communication terminal. The examiner respectfully disagrees. Kinnunen discloses
available services provided to the mobile entity (ME) from the network thereby resulting
in available functions of the ME. According to the Abstract, services receive meta-
information classifying the location information and using this information to determine
whether the source of the location information is reliable for the service to be provided.
Therefore, certain services such as games, karaoke and multimedia functions (as
mentioned in applicant's specification, page 1, paragraph 3) may not be reliable in
certain locations and as a result will not be offered to the user as a service option. Also,
user profile information is matched with the service profile for targeting specific users,
for example, based on the users age certain services may not be available and as a
result will not be offered to the user as a service option (same example used in
applicant's specification, page 4, paragraph 4). Another example could be based on
whether the terminal have either a graphical or a textual display, certain services or
functions may not be offered because the terminal may not be able to support a
particular service. Also, see paragraphs [0077] and [0078]-[0091].

The applicant argues that *Kinnunen fails to recite changing a menu to be activated according to the user's classes*. The examiner respectfully disagrees. The class of the user is based on information in the user profile. See paragraphs [0078]-[0091].

The applicant argues that *if a user profile is changed by directly recording the preferences by the user according to Kinnunen, functions of the mobile communication terminal that are restrictively provided according to the user classes, as discloses in the present invention cannot be achieved*. The examiner respectfully disagrees. If a user's profile and/or location change available services may change which can put the user in a different class thereby restricting functions of the ME based on unavailable services.

The applicant argues that *Kinnunen does not teach or suggest the recitation of activating a menu for selecting the at least one function available from the user when the at least one preset condition is met, as recited by claim 1*. The examiner respectfully disagrees. According to paragraphs [0100], [0101] and [0125], the service view agent 222 provides the ME with the capability to browse services (activation of a menu) on the network 212 for allowing the ME user to select a service from the set of services available (available functions) based upon matching the user profile and/or location (preset conditions).

Therefore, the examiner maintains the rejections as set forth below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1,2,4,6,7,9,10,12,14 and 15 are rejected under 35 U.S.C. 102(b) as being

anticipated by Kinnunen et al. (Kinnunen), U.S. Publication No. 2001/0018349.

Regarding Claims 1 and 4, Kinnunen discloses a method in the mobile

communication terminal for differentially implementing functions of the mobile

communication terminal according to a class of a user, comprising the steps of: setting

at least one condition **(location and user profile; [0077])** for selecting at least one

function **(available services; [0077])** in order to differentially implement the at least one

function according to the class of the user **(the class of the user is based on

information in the user profile; [0078]-[0091])**; activating a menu **(the service agent

provides the ME with the capability to browse applicable services based on

location and user profile)** for selecting the at least one function available to the user

when the at least one preset condition is met **[0100], [0101] and [0125]**; informing the

user of a change in the at least one function available to the user after a change of the

user's class **(the user's class can change when the ME moves into another service

deployment area and when the ME modifies their user profile; [0128] and [0138])**;

and applying the change in the at least one function available to the user to the mobile

communication terminal **(new services become available when the ME moves and when the ME makes changes to the profile this reflects the results of profile matching done to find applicable and advertised services; [0128] and [0138])**.

Regarding Claim 2, Kinnunen discloses wherein the step of informing the user comprises receiving a text message indicating the change in the class of the user from a mobile service provider **(the network informs the ME of new available services in the form of URL text; [0108] and [0121])**.

Regarding Claim 6, Kinnunen discloses wherein the step of applying the change in the at least one function comprises deactivating of a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user **(the ME sends an unsubscribe message modifying those services to be avoided and that are no longer required, these changes to the profile reflect the results of profile matching done to find applicable and advertised services; [0138])**.

Regarding Claim 7, Kinnunen discloses a mobile communication terminal for differentially implementing at least one function according to a class of a user, comprising: a memory **(inherent)** for storing at least one preset condition **(location and user profile)** for selecting the at least one function **(available services)** in order to differentially implement the at least one function according to the class of the user **(the class of the user is based on information in the user profile)**; and a control section **(inherent)** for activating **(the service agent provides the ME with the capability to browse the applicable services based on location and user profile)** the at least one

function available to the user when the at least one condition stored in the memory is met **(see rejection for claim 1)**.

   Regarding Claim 9, Kinnunen discloses wherein said control section detects a change in the class of the user and, if there is a change in the at least one function available to the user due to the change in the user's class **(the user's class can change when the ME moves into another service deployment area and when the ME modifies their user profile; [0128] and [0138])**, informs the user of the change in the at least one function and applies the change to the mobile communication terminal **(new services become available when the ME moves and when the ME makes changes to the profile this reflects the results of profile matching done to find applicable and advertised services; [0128] and [0138])**.

   Regarding Claim 10, Kinnunen discloses wherein said control section receives a text message indicating the change in the class of the user from a mobile service provider and detects the change in the class of the user **(the network informs the ME of new available services in the form of URL text; [0108] and [0121])**.

   Regarding Claim 12, Kinnunen discloses wherein said control section activates a menu for selecting the at least one function that becomes available due to the change in the class of the user **(new services become available when the ME moves and when the ME makes changes to the profile this reflects the results of profile matching done to find applicable and advertised services; [0128] and [0138])**.

   Regarding Claim 14, Kinnunen discloses wherein said control section deactivates a menu for selecting the at least one function that becomes unavailable due

to the change in the class of the user **(the ME sends an unsubscribe message**

modifying those services to be avoided and that are no longer required, these

changes to the profile reflect the results of profile matching done to find

applicable and advertised services; [0138]).

      Regarding Claim 15, Kinnunen discloses wherein the menu includes a plurality

of menu items **(set of services available)** each different from the other, each menu

item corresponding to a function of the mobile communication terminal **[0101]**.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

5.   Claims 3,5,11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kinnunen in view of Wilkinson, U.S. Patent No. 6,907,225.

      Regarding Claim 3, Kinnunen discloses the method as described above.

    Kinnunen fails to disclose wherein said text message includes a service code

corresponding to the at least one function that changes due to the change in the class

of the user.

      In a similar field of endeavor, Wilkinson discloses a selective media capture via a

communication device. Wilkinson further discloses wherein said text message **(the**

server module sends a response inherently by means of voice or text to the

capture module), includes a service code **(password)** corresponding to the at least

one function that changes due to the change in the class of the user **(Col. 7, line 40-**

Col. 8, line 5).

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to provide a simple password to the user to allow access (by choice) to

the services available to them.

Regarding Claim 5, Kinnunen discloses the method as described above.

Kinnunen fails to disclose wherein the step of applying the change in the at least

one function comprises further comprises: requesting the user to input a service code

corresponding to the at least one function that becomes available due to the change in

the class of the user; and receiving the service code input by the user in response to the

request.

Wilkinson discloses wherein the step of applying the change in the at least one

function comprises further comprises: requesting the user to input a service code **(the**

server module sends a response to the capture model that a password is

required, the user is then prompted) corresponding to the at least one function that

becomes available due to the change in the class of the user; and receiving the service

code input by the user in response to the request **(Col. 7, line 65-Col. 8, line 5)**.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to request the user to input a code to access the available services. This

allows the user to choose whether or not they want the service once it becomes available them.

　　　Regarding Claims 11 and 13, Kinnunen discloses the mobile communication terminal as described above.

　　　Kinnunen fails to disclose wherein said text message includes a service code corresponding to the at least one function and wherein said control section requests the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user and receives the service code input by the user in response to the request.

　　　Wilkinson discloses wherein said text message includes a service code corresponding to the at least one function **(the capture module or control section receives a message, voice or text, from the server module requesting a password)** and wherein said control section **(capture module)** requests the user to input a service code **(password)** corresponding to the at least one function that becomes available due to the change in the class of the user and receives the service code input by the user in response to the request **(Col. 7, line 65-Col. 8, line 5)**.

　　　At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the control section to request and receive the password by means of different messaging techniques for a smooth and efficient process.

6.　　　Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen in view of Vanttila et al (Vanttila), U.S. Patent No. 5,794,142.

Regarding Claim 8, Kinnunen discloses the mobile communication terminal as described above.

Kinnunen fails to disclose wherein said memory stores information including at least one of a function identification (ID) representing a unique number assigned to the at least one function, a function name, a function type showing the at least one condition for selecting the at least one function, and a service code corresponding to the at least one function.

Vanttila discloses wherein said memory stores **(24)** information including at least one of a function identification (ID) **(identification code)** representing a unique number assigned to the at least one function, a function name **(feature name)**, a function type **(activation or deactivation, shown in table)** showing the at least one condition for selecting the at least one function, and a service code **(feature code)** corresponding to the at least one function **(Col. 5, Table and lines 51-61)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the claimed information for each service function to allow the user to distinguish between the different services and to make their available selections by using the service/feature codes.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Espejo et al., U.S. Patent No. 6,748,066 discloses a pre-paid wireless interactive

voice response system with variable announcements.

Kennedy, III et al., U.S. Patent No. 6,535,743 discloses a system and method for

providing directions using a communication network.

Lohtia et al., U.S. Patent No. 6,560,456 discloses a system and method for

providing subscriber-initiated information over the short message service (sms) or a

microbrowser.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shantell Portis whose telephone number is 571-272-

0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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SLP

GEORGE ENG
SUPERVISORY PATENT EXAMINER